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TO:	FAX NUMBER:
Examiner: E. O. Sackey	(571) 273-8300
USPTO	
FROM:	PHONE NUMBER:
Palaiyur S. Kalyanaraman	(908) 298-5068
TOTAL NO. OF PAGES INCLUDING COVER	DATE
5	April 5, 2005

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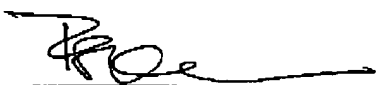
**PLEASE HAND DELIVER**

In re Application of: *Zhaoning Zu et al.*  
For Patent entitled: "Compounds for the Treatment of Inflammatory Disorders"  
Group Art Unit: 1626  
Filed: 11/19/2003  
Attorney Docket No.: IN01535KB  
Serial No.: 10/716,890

Dear Examiner Sackey:

Transmitted herewith are:

- Fax Cover Sheet - 1pg.
- Response Transmittal - 1pg.
- Response - 3pgs.

  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/716,890
	Filing Date	11/19/2003
	First Named Inventor	Zhaoning Zhu
	Art Unit	1626
	Examiner Name	E. O. Sackey
	Attorney Docket Number	IN01535KB
Total Number of Pages in This Submission		5

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CID  <div style="border: 1px solid black; padding: 2px;">Remarks</div>	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Fax Cover Sheet - 1pg.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name			
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Date	04/05/2005	Reg. No.	34,634

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Signature			
Typed or printed name	Palaiyur S. Kalyanaraman	Date	04/05/2005

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APR 05 2005

PATENT CASE: IN01535KB

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zhaoning Zhu *et al*

Application No.: 10/716,890

Filed: 11/19/2003

For: Compounds for the Treatment  
of Inflammatory Disorders

Examiner: E. O. Sackey

Group Art Unit: 1626

-----X

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF  
SPECIES**

Sir:

This communication is in response to the Office Action issued on March 10, 2005 in the subject case. This communication is being faxed to the Examiner's attention at 571-273-8300.

Claims 2-57 and 59-72 are pending in the case. The Examiner restricted the claims into three groups:

Group I: Claims 2-57, 59-60 and 66-67 drawn to compounds and compositions;

Group II: Claims 61-65 drawn to methods of treating various diseases employing the compounds of Group I; and

Group III: Claims 68-72 drawn to methods of treating various disease employing compounds now allowed in Patent number 6,838,466.

Applicants are puzzled by the restriction into these three Groups. Applicants believe that all claims form part of one and the same invention. Applicants further believe that when there is a linking claim encompassing the scope of all the processes, uses, composition and compounds, it is inappropriate to restrict the invention into these various inventions. Applicants also believe that due to such commonality, a complete examination of all the claims as filed would not cause undue burden. Applicants further believe that

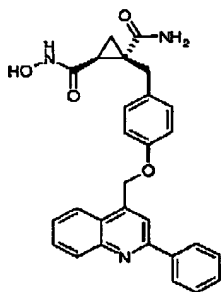
the same art search will most probably apply to the alleged separate inventions, and respectfully submit that the restriction is improper.

Under the statute "two or more independent and distinct inventions.... in one application may.... be restricted to one of the inventions." Inventions are "independent" if "there is no disclosed relationship between two or more subjects disclosed" (MPEP 802.01). The term "distinct" means that "two or more subjects as disclosed are related.... but are capable of separate manufacture, use or sale as claimed, and are patentable over each other" (MPEP 802.01). However, even when patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification
2. Separate status in the art; or
3. Different field of search.

In the present application, Applicant believes that the Examiner has not established a clear reason to establish the existence of any of the above 3 groups. Reconsideration and withdrawal of the restriction requirement are, therefore, respectfully requested.

Furthermore, in order to comply with the Examiner's requirement, Applicant is electing, with traverse, the invention cited as Invention Group No. III by the Examiner for initial examination purposes. Additionally, since the Examiner required election of a species, Applicant provisionally elects, with traverse, the compound of Formula:



(shown as Example KX in Table 1 at page 126 and in claim 57 at page 170 of the specification) for initial examination in this application.

If the Examiner has questions, as well as for any future communications, the Examiner is invited to contact the undersigned.

April 5, 2005  
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Respectfully submitted,

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